

1
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 09cr1597-JM
11 Plaintiff,)
12 v.) AMENDED ORDER OF
13 DENNIS SCOTT WILSON (1),) CRIMINAL FORFEITURE
14 BRAD SCOTT WILSON (2),)
15 Defendants.)

16

17 On August 31, 2009, this Court entered its Preliminary Orders of Criminal Forfeiture,
18 which condemned and forfeited to the United States all right, title and interest of Defendants
19 DENNIS SCOTT WILSON (1) and BRAD SCOTT WILSON (2) in the properties listed in the
20 Forfeiture Allegations of the Superseding Information, namely,

21 a) the property at 3773 Buena Creek Road, Vista, California, and All Improvements and Appurtenances Affixed Thereto, more particularly described as:

ASSESSORS PARCEL NO. 181-181-18-00, 181-181-19-00, 181-181-23-00;

24 | Parcel 1:

That portion of the Southwest Quarter of the Southeast Quarter of Section 27, Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to the United States Government Survey, approved December 14, 1885, described as follows: Beginning at the Southeast Corner of said Southeast Quarter the Southeast Quarter of Section 27; thence North 1°31' West, 331.41 feet to the Southeast corner of that certain Parcel of Land conveyed to the Vista Irrigation District by Deed dated December

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

29, 1925 and recorded in Book 1266, Page 237 of Deeds, Records of said County; thence along the Southerly line of the land so Deeded North 89°18' West, 285.19 feet to the center line of County Road Survey No. 681 (Buena Creek Road) and the True Point of Beginning; thence continuing along said Southerly line of the land so Deeded to the Vista Irrigation District, North 89°18' West, 374.84 feet to the Southwest Corner thereof; thence along the West line of the land so Deeded, North 1° 13'30"West, 60.04 feet; thence South 89° 18'East, 174.77 feet to the beginning of the tangent curve concave Northwesterly and having a radius of 25 feet; thence Northeasterly and Northerly along the arc of said curve, through a central angle of 131°25'10" a distance of 57.34 feet to a point in the Southwesterly line of said County Road Survey No. 681 said point being on the arc of a curve concave Northeasterly and having a radius of 530 feet a radial line to said point bearing South 49°15'50" West; thence along said radial line North 49°16'50" East, 30 feet to the center line of said Country Road Survey No. 681 being a point on the arc of a curve in said center line said curve being concave Northeasterly and having a radius of 500 feet a radial line to said point bearing South 49°16'50" West; thence Southeasterly along the arc of said curve through a central angel of 21° 25'20" an arc distance of 186.94 feet, thence tangent to said curve South 62°08'30" East, 15.88 feet to the True Point of Beginning.

Parcel 2:

An easement for road purposes over a strip of land of the uniform width of 20 feet, lying within the Southwest Quarter of the Southeast Quarter of Section 27, Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, the Southwesterly line thereof, described as follows: Beginning at the most Southerly corner of Parcel 1 hereinabove described; thence South 67°25'East 166.56 feet to the South line of Section 27,

Township 11 South, Range 3 West, the Northeasterly line being prolonged Southeasterly to the said South line of Section 27 and Northwesterly to the Southeast line of Parcel 1 above.

Parcel 2A:

An easement and right of way for road and appurtenances thereto over, under, along and across a strip of land 20 feet in width over a portion of the Northeast Quarter of Section 34; Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, the Northerly line of said strip being described as follows: Beginning at the North Quarter corner of said Section 34, South 89°09'East 574.67 feet to the True Point of Beginning of the herein-described line; thence continuing along said line South 89°09'East to the East line of the Northwest Quarter of the Northeast Quarter and the end of said line. The Southerly line of said strip to be lengthened or shortened to terminate on the West in a line that is drawn at right angles Southerly of the True Point of Beginning and on the East in the Easterly line of said Northwest Quarter of the Northeast Quarter.

Parcel 2B:

An easement and right of way for road, and appurtenances thereto over, under, along and across a strip of land 20 feet in width over a portion of the Northeast Quarter of Section 34, Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to

United States Government Survey, the Northerly line of said strip being described as follows: Beginning at the Northwest corner of the Northeast Quarter of said Northeast Quarter; thence along the Northerly line of said section 34, South 89°09'East to the center line of County Road Survey No. 681 as same was conveyed to the County of San Diego by deed recorded November 11, 1939 in Book 960, Page 10 of Official Records and the end of said line. The Southerly line of said strip to be lengthened or shortened to terminate on the West in the West line of said Northeast Quarter of the Northeast Quarter and on the East in the center line of said County Road Survey No. 681. The easements herein described are hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel No. 2 above. NOTE: Said land lies within the boundaries of The Vista Irrigation District and inquiry relative to the right of said land to receive water should be made at the Office of said District.

Parcel 3:

That portion of the West Half of the Southwest Quarter of the Southeast Quarter of Section 27, Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, described as follows: Beginning at the South Quarter corner of said Section 27; thence along the South line of said Section 27, South 89°09'East, 574.67 feet to the True Point of Beginning; thence continuing along said South line; South 89°09'East, 87.07 feet to the Southeast corner of said West Half; thence along the East line of said West Half, North 1°13'30" West, 330.45 feet; thence North 80°08' West, 488.54 feet; thence South 40°59'West, 252.17 feet; thence South 30° West, 10.00 feet; thence South 70°East, 275.00 feet; thence South 67°25'East, 332.63 feet to the True Point of Beginning;
and

b) One Toyota 4Runner bearing CA License Plate No. 8BPU207.

For thirty (30) consecutive days ending on October 1, 2009, the United States published on the Government's forfeiture website, www.forfeiture.gov, notice of the Court's Order and the United States' intent to dispose of the properties in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and further notifying all third parties of their right to petition the Court within thirty (30) days of the final publication for a hearing to adjudicate the validity of their alleged legal interest in the properties.

On September 3, 2009, Notice of Order of Forfeiture was sent by certified mail as follows:

<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
JP Morgan Chase Bank, N.A. c/o CT Corporation System Agent for Service of Process 818 West Seventh Street Los Angeles CA 90017	7007 2560 0001 9144 1777	Signed for as received on 9/04/09

1 //

2 North Island Federal Credit Union 7007 2560 0001 9144 1784 Signed for as received
c/o Geri Gillingham
3 Agent for Service of Process
5898 Copley Drive
4 San Diego CA 92111

5 The United States has recognized the validity and priority of the interest of JP Morgan Chase
6 Bank, N.A. in the subject real property. The subject vehicle was forfeited administratively by the
7 Drug Enforcement Administration on October 15, 2009, and the interest of North Island Federal
8 Credit Union was paid. Therefore, the vehicle is hereafter excluded for forfeiture in this Amended
9 Order.

10 Thirty (30) days have passed following the final date of notice by publication and notice
11 by certified mail, and no third party has made a claim to or declared any interest in the forfeited
12 real property described above except JP Morgan Chase Bank.

13 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result
14 of the failure of any third party to come forward or file a petition for relief from forfeiture as
15 provided by law, all right, title and interest of DENNIS SCOTT WILSON (1) and BRAD SCOTT
16 WILSON (2) and any and all third parties except JP Morgan Chase Bank in the following property
17 are hereby condemned, forfeited and vested in the United States of America:

18 a) the property at 3773 Buena Creek Road, Vista, California, and All
19 Improvements and Appurtenances Affixed Thereto, more particularly described as:

20 ASSESSORS PARCEL NO. 181-181-18-00, 181-181-19-00, 181-181-23-00:

21 Parcel 1:

22 That portion of the Southwest Quarter of the Southeast Quarter of Section 27,
23 Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the
24 County of San Diego, State of California, according to the United States
25 Government Survey, approved December 14, 1885, described as follows:
26 Beginning at the Southeast Corner of said Southeast Quarter the Southeast Quarter
27 of Section 27; thence North 1°31' West, 331.41 feet to the Southeast corner of that
28 certain Parcel of Land conveyed to the Vista Irrigation District by Deed dated
December 29, 1925 and recorded in Book 1266, Page 237 of Deeds, Records of
said County; thence along the Southerly line of the land so Deeded North 89°18'
West, 285.19 feet to the center line of County Road Survey No. 681 (Buena Creek
Road) and the True Point of Beginning; thence continuing along said Southerly line
of the land so Deeded to the Vista Irrigation District, North 89°18' West, 374.84
feet to the Southwest Corner thereof; thence along the West line of the land so

1 Deeded, North 1° 13'30"West, 60.04 feet; thence South 89° 18'East, 174.77 feet
 2 to the beginning of the tangent curve concave Northwesterly and having a radius
 3 of 25 feet; thence Northeasterly and Northerly along the arc of said curve, through
 4 a central angle of 131°25'10" a distance of 57.34 feet to a point in the
 5 Southwesterly line of said

6 County Road Survey No. 681 said point being on the arc of a curve concave
 7 Northeasterly and having a radius of 530 feet a radial line to said point bearing
 8 South 49°15'50" West; thence along said radial line North 49°16'50" East, 30 feet
 9 to the center line of said Country Road Survey No. 681 being a point on the arc of
 10 a curve in said center line said curve being concave Northeasterly and having a
 11 radius of 500 feet a radial line to said point bearing South 49°16'50" West; thence
 12 Southeasterly along the arc of said curve through a central angel of 21° 25'20" an
 13 arc distance of 186.94 feet, thence tangent to said curve South 62°08'30" East,
 14 15.88 feet to the True Point of Beginning.

15 Parcel 2:

16 An easement for road purposes over a strip of land of the uniform width of 20 feet,
 17 lying within the Southwest Quarter of the Southeast Quarter of Section 27,
 18 Township 11 South, Range 3 West, San Bernardino Base and Meridian, in the
 19 County of San Diego, State of California, the Southwesterly line thereof, described
 20 as follows: Beginning at the most Southerly corner of Parcel 1 hereinabove
 21 described; thence South 67°25'East 166.56 feet to the South line of Section 27,
 22 Township 11 South, Range 3 West, the Northeasterly line being prolonged
 23 Southeasterly to the said South line of Section 27 and Northwesterly to the
 24 Southeast line of Parcel 1 above.

25 Parcel 2A:

26 An easement and right of way for road and appurtenances thereto over, under,
 27 along and across a strip of land 20 feet in width over a portion of the Northeast
 28 Quarter of Section 34; Township 11 South, Range 3 West, San Bernardino Base
 1 and Meridian, in the County of San Diego, State of California, according to United
 2 States Government Survey, the Northerly line of said strip being described as
 3 follows: Beginning at the North Quarter corner of said Section 34, South
 4 89°09'East 574.67 feet to the True Point of Beginning of the hereindescribed line;
 5 thence continuing along said line South 89°09'East to the East line of the
 6 Northwest Quarter of the Northeast Quarter and the end of said line. The Southerly
 7 line of said strip to be lengthened or shortened to terminate on the West in a line
 8 that is drawn at right angles Southerly of the True Point of Beginning and on the
 9 East in the Easterly line of said Northwest Quarter of the Northeast Quarter.

10 Parcel 2B:

11 An easement and right of way for road, and appurtenances thereto over, under,
 12 along and across a strip of land 20 feet in width over a portion of the Northeast
 13 Quarter of Section 34, Township 11 South, Range 3 West, San Bernardino Base
 14 and Meridian, in the County of San Diego, State of California, according to United
 15 States Government Survey, the Northerly line of said strip being described as
 16 follows: Beginning at the Northwest corner of the Northeast Quarter of said
 17 Northeast Quarter; thence along the Northerly line of said section 34, South
 18 89°09'East to the center line of County Road Survey No. 681 as same was
 19 conveyed to the County of San Diego by deed recorded November 11, 1939 in
 20 Book 960, Page 10 of Official Records and the end of said line. The Southerly line

1 of said strip to be lengthened or shortened to terminate on the West in the West line
2 of said Northeast Quarter of the Northeast Quarter and on the East in the center line
3 of said County Road Survey No. 681. The easements herein described are hereby
4 declared to be appurtenant to and for the use and benefit of the present and future
5 owners of all or any portion of Parcel No. 2 above. NOTE: Said land lies within
6 the

5 boundaries of The Vista Irrigation District and inquiry relative to the right of said
6 land to receive water should be made at the Office of said District.

7 Parcel 3:

8 That portion of the West Half of the Southwest Quarter of the Southeast Quarter
9 of Section 27, Township 11 South, Range 3 West, San Bernardino Base and
10 Meridian, in the County of San Diego, State of California, described as follows:
11 Beginning at the South Quarter corner of said Section 27; thence along the South
12 line of said Section 27, South 89°09'East, 574.67 feet to the True Point of
13 Beginning; thence continuing along said South line; South 89°09'East, 87.07 feet
14 to the Southeast corner of said West Half; thence along the East line of said West
15 Half, North 1°13'30" West, 330.45 feet; thence North 80°08' West, 488.54 feet;
16 thence South 40°59'West, 252.17 feet; thence South 30° West, 10.00 feet; thence
17 South 70°East, 275.00 feet; thence South 67°25'East, 332.63 feet to the True Point
18 of Beginning.

19 IT IS FURTHER ORDERED that costs incurred by the United States Marshals Service,
20 the Drug Enforcement Administration and any other governmental agencies which were incident
21 to the seizure, custody and maintenance of the real property be the first charge against the forfeited
22 property.

23 IT IS FURTHER ORDERED that the United States Marshals Service has the authority to
24 evict any and all occupants of the above-referenced real property if and when necessary.

25 IT IS FURTHER ORDERED that the United States Marshals Service shall dispose of the
26 forfeited property according to law.

27 DATED: December 9, 2009



28 Hon. Jeffrey T. Miller
United States District Judge